

HOUSE BILL NO. 65

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE STUTES

Introduced: 2/18/21

Referred: House Special Committee on Fisheries, Resources, Judiciary

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to the duties and powers of certain unconfirmed appointees to the**
2 **Board of Fisheries and the Board of Game; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 16.05.221(c) is amended to read:

5 (c) Members of the Board of Game serve staggered terms of three years. The
6 terms of the members of the board begin on July 1. Notwithstanding AS 39.05.080(1),
7 by April 1 of the calendar year in which the term expires, the governor shall appoint a
8 person to fill the vacancy that will arise on the board because of the expiration of the
9 term of a member of the board and submit the name of the person to the legislature for
10 confirmation. If a vacancy arises on the board, the governor shall, **except as provided**
11 **under AS 16.05.243,** within 30 days after the vacancy arises, appoint a person to
12 serve the balance of the unexpired term and submit the name of the person to the
13 legislature for confirmation. A person appointed to fill the balance of an unexpired
14 term shall serve on the board from the date of appointment until the earlier of the

1 expiration of the term or the failure of the legislature to confirm the person under
2 AS 39.05.080.

3 * **Sec. 2.** AS 16.05.221(d) is amended to read:

4 (d) Members of the Board of Fisheries serve staggered terms of three years.
5 The terms of members of the board begin on July 1. Notwithstanding
6 AS 39.05.080(1), by April 1 of the calendar year in which the term expires, the
7 governor shall appoint a person to fill the vacancy that will arise on the board due to
8 expiration of the term of a member of the board and submit the name of the person to
9 the legislature for confirmation. If a vacancy arises on the board, the governor shall,
10 **except as provided under AS 16.05.243,** within 30 days after the vacancy arises,
11 appoint a person to serve the balance of the unexpired term and submit the name of the
12 person to the legislature for confirmation. A person appointed to fill the balance of an
13 unexpired term shall serve on the board from the date of appointment until the earlier
14 of the expiration of the term or the failure of the legislature to confirm the person
15 under AS 39.05.080.

16 * **Sec. 3.** AS 16.05 is amended by adding a new section to read:

17 **Sec. 16.05.243. Limitations on powers of certain unconfirmed members of**
18 **Board of Fisheries and Board of Game.** (a) Notwithstanding AS 39.05.080(3) and
19 (4), if the legislature has not met in joint session to act to confirm or reject the
20 governor's appointees during a regular legislative session under AS 39.05.080 because
21 the session is recessed, adjourned, or otherwise shortened as a direct result of a natural
22 disaster, public health emergency, or similar circumstance, an appointee to the Board
23 of Fisheries or the Board of Game who was appointed before or during that legislative
24 session, and who has not been confirmed by the legislature, may vote on a matter
25 before the respective board during the subsequent legislative interim only if a majority
26 of the members of both bodies of the legislature confirm the individual's appointment
27 in a poll conducted by the presiding officers of each house. The presiding officers
28 shall conduct the poll at the request of the governor. An appointee confirmed by poll
29 shall be subject to a confirmation vote by the legislature in joint session under
30 AS 39.05.080 at the next legislative session.

31 (b) Notwithstanding AS 16.05.221(c) and (d) and AS 39.05.080, if the

1 legislature rejects an individual appointed to the Board of Fisheries or the Board of
 2 Game during a regular legislative session under AS 39.05.080, the governor shall
 3 appoint another person within seven days. The legislature shall make every reasonable
 4 effort to act timely to confirm or reject an individual appointed under this subsection.
 5 If the legislature does not meet in joint session to act on an individual appointed under
 6 this subsection during a legislative session, the appointee may vote on a matter before
 7 the respective board during the subsequent legislative interim only if a majority of the
 8 members of both bodies of the legislature confirm the individual's appointment in a
 9 poll conducted by the presiding officers of each house. The presiding officers shall
 10 conduct the poll at the request of the governor. An appointee confirmed by poll shall
 11 be subject to a confirmation vote by the legislature in joint session under
 12 AS 39.05.080 at the next legislative session.

13 (c) Except as provided in (a) and (b) of this section, an appointee to the Board
 14 of Fisheries or the Board of Game may not vote on a matter before the respective
 15 board until confirmed under AS 39.05.080.

16 * **Sec. 4.** AS 16.05.320 is amended to read:

17 **Sec. 16.05.320. Quorum.** A majority of the voting members of a board
 18 constitutes a quorum for the transaction of business, for the performance of any duty,
 19 and for the exercise of any power. However, a majority of the full voting [BOARD]
 20 membership of the board is required to carry all motions, regulations, and resolutions.
 21 A majority of the voting members of the boards of fisheries and game constitute a
 22 quorum for the transaction of business in a joint board meeting. A majority of the
 23 voting membership of the boards is required to carry all joint motions, regulations,
 24 and resolutions of the boards.

25 * **Sec. 5.** The uncoded law of the State of Alaska is amended by adding a new section to
 26 read:

27 **APPLICABILITY.** This Act applies to appointments presented by the governor during
 28 or after the First Regular Session of the Thirty-Second Alaska State Legislature.

29 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).